

INDICTMENT

THE STATE OF MISSISSIPPI
VERSUS
WILLIE J. HEMPHILL

CAUSE NO. 7454

INDICTMENT FOR THE OFFENSE OF
FELONY SHOPLIFTING §97-23-93

THE STATE OF MISSISSIPPI
COUNTY OF MONTGOMERY

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996
Grand Jury Recalled March 20, 1997

The Grand Jurors of the State of Mississippi, taken from the body of good and lawful citizens of said county, elected, summoned, empaneled, sworn and charged to inquire in and for the county aforesaid, at the term aforesaid of the Court aforesaid, in the name and by the authority of the State of Mississippi, upon their oath present that

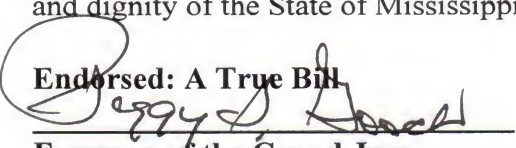
WILLIE J. HEMPHILL

late of Montgomery County, Mississippi, on or about the 15th day of August, 1996, in the county and state aforesaid and within the jurisdiction of this Court, did wilfully, unlawfully and feloniously take possession of one (1) Eighteen pack of Budweiser Beer, having a value of Ten dollars and Sixty-Nine cents (\$10.69), which were held by, offered, or displayed for sale by the Sayle Oil Co., a corporation, d/b/a Gas Mart in Winona, Mississippi, a further and more complete description being to the Grand Jury unknown, the said defendant having then and there the intention and purpose of converting said merchandise to his own use without paying the purchase price therefor, and the defendant having been at least twice previously convicted of shoplifting upon charges separately brought and arising out of separate incidents at different times; such convictions more particularly described as follows:

1. Convicted of shoplifting on December 29, 1992, in the Municipal Court of Winona, Mississippi, in cause no. 9212-1537;
2. Convicted of shoplifting on August 16, 1994 in the Municipal Court of Winona, Mississippi, in cause no. 9408-2696;

all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill


Foreman of the Grand Jury


District Attorney

MAR 21 1997

TINA RYAN - BLAYLOCK
CIRCUIT CLERK

D.A.

FILED

ALRIGHT BAIL BONDS

796 Goodman Road East

Southaven, Mississippi 38671

MISSISSIPPI LICENSE NO. 9003274

FEB 04 1997

Tina Ryals Blaylock
MRS. TINA RYALS-BLAYLOCK
CLERK

By Dale Ryals, D.C.

6566

Bond No.

APPEARANCE BOND

Court.

THE STATE OF MISSISSIPPI

Montgomery County.

Willie Hemphill

We _____, principal, and

LINDA C. ALRED D/B/A ALRIGHT BAIL BONDS surety, agree to pay the state of Mississippi

THREE THOUSAND DOLLARS

\$3,000.00

Dollars, unless the said

Willie Hemphill

shall appear before the

Court on the *APRIL* day of _____

19 *97* at *9* o'clock

AM m., and from day to day and term to term until

discharged by law to answer a charge of

SHARP LIFTIN

ALRIGHT BAIL BONDS

(Signed)

Willie

Humphill

Principal

By *Dorothy Jackson*

APPROVED:

This *1st* day of *FEB* 19 *97*

Tina Ryals Blaylock

THE STATE OF MISSISSIPPI

alias

CAPIAS

Cause No.

7454

TO THE SHERIFF OF MONTGOMERY COUNTY—GREETINGS:

WE COMMAND YOU to take the bod

y of Willie J Hemphill

if to be found in your County, and

he

safely keep, so that you have

him

before our Circuit Court, at

the Court room thereof in the City of Winona, on the

14th day of April at 1:00pm

1997

then and there to answer to the State of Mississippi, on a charge of

felony shoplifting

HEREIN FAIL NOT, and have you then and there this Writ.

Witness, Tina Ryals-Blaylock, Clerk of our said Court, with the seal of his
office affixed, at Winona, Mississippi, this the 14th day of

April, 1997.

Tina Ryals Blaylock, Clerk
By Rose Leah, D. C.

THE STATE OF MISSISSIPPI
VERSUS
WILLIE J. HEMPHILL

CAUSE NO. 7454

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FELONY SHOPLIFTING §97-23-93

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IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, OCTOBER TERM, 1996
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WILLIE J. HEMPHILL

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all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

Gregory D. Leach
Foreman of the Grand Jury

Doug Evans
District Attorney

FILED

MAR 21 1997

Tina Ryans - Blaylock
CIRCUIT CLERK

D.G.

IN THE CIRCUIT COURT OF Montgomery COUNTY, MISSISSIPPI

April TERM, 19 97

STATE OF MISSISSIPPI

VERSUS

CRIMINAL CAUSE NO. 7454

Wilkie J. Humpshill

PETITION TO ENTER PLEA OF GUILTY

The Defendant, after having been first duly sworn, on his/her oath represents and states unto the Court the following:

1. My full name is _____,

and I am also known as _____.

I request that all proceedings against me be had in my true name. This petition has been read and explained to me by my lawyer, and I understand the contents herein.

2. I am represented by a lawyer; his/her name is _____.

H. Lee Bailey, Jr.

3. I wish to plead GUILTY to the charge (s) of _____.

felony shoplifting

4. I told my lawyer all the facts and circumstances known to me about the charges against me. I believe that my lawyer is fully informed on all such matters. My lawyer has counseled and advised me on the nature of each charge, on any and all lesser-included charges, and on all possible defenses that I might have in this case.

5. My lawyer has advised me as to the probabilities of my conviction on the charges with which I am charged and thoroughly discussed all aspects of my case with me. My lawyer has made no threats or promises of any type or kind to induce me to enter this plea of guilty, and the decision to seek the entry of this plea was my own and mine alone, based on my own reasons and free from any outside coercive influences.

6. I understand that I may plead Not Guilty to any offense charged against me. If I choose to plead Not Guilty the Constitution guarantees me:

- a. the right to a speedy and public trial by jury,
- b. the right to see, hear, and face in open court all witnesses called to testify against me; and the right to cross-examine those witnesses;
- c. the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor;
- d. the right to have the assistance of a lawyer at all stages of the proceedings;
- e. the presumption of innocence, i.e., the State must prove beyond a reasonable doubt that I am guilty; and
- f. the right to take the witness stand at my sole option; if I do not take the witness stand, I understand that, at my option, the jury may be told that this shall not be held against me.

Knowing and understanding the Constitutional guarantees set forth in this paragraph, I hereby waive them and renew my desire to enter a plea of Guilty.

7. I know that if I plead Guilty to this charge (these charges), the possible sentence is 0 (minimum) to 5 (maximum) years imprisonment and / or a fine of \$ 0 (minimum) to 1,000.00 (maximum).

I also know that the sentence is up to the Court; that the Court is not required to carry out any understanding made by me and my attorney with the District Attorney, and further, that the Court is not required to follow the recommendation of the District Attorney, if any. The District Attorney will take no part other than providing to the Court police reports and other factual information as requested by the Court; and the District Attorney shall make no recommendations to the court concerning my sentence except as follows: 5 yrs; 3 1/2 yrs. suspended; 1 1/2 yrs. to serve; payment of ct. costs; to run concurrent with # 7453

8. I have been convicted of no felonies in this or any other state or of the United States, except as follows: none

9. I am not ✓ presently on probation or parole. I understand that by pleading guilty in this case this may cause revocation of my probation or parole, and that this could result in a sentence of _____ years in that case. I further understand that if my probation or parole is revoked, any sentence in that case may be consecutive to or in addition to any sentence in this case.

10. I am 25 years of age. I have gone to school up to and including 12th. My physical and mental health is presently satisfactory. At this time I am not under the influence of any kind of drugs or intoxicants except none

11. I declare that no officer or agent of any branch of government, Federal, State, or local, has made any promise or suggestion of any kind to me, or within my knowledge to anyone else, that I will receive a lighter sentence, or probation, or any other form of leniency if I plead Guilty, except those set forth in this plea bargain agreement.

12. I believe that my lawyer has done all that anyone could do to counsel and assist me. I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME. I recognize that if I have been told by my lawyer that I might receive probation or a light sentence, this is merely his prediction and is not binding on the court.

13. I plead Guilty and request the Court to accept my plea of Guilty and to enter my plea of Guilty on the basis of [here set forth involvement in crime]:

The facts contained in the indictment

14. I OFFER MY PLEA OF GUILTY FREELY AND VOLUNTARILY AND OF MY OWN ACCORD AND WITH FULL UNDERSTANDING OF ALL THE MATTERS SET FORTH IN THE INDICTMENT AND IN THIS PETITION AND IN THE CERTIFICATE OF MY LAWYER WHICH FOLLOWS.

15. In the event the Court places me on supervised probation, I state for the record that I have fully read and understand and agree to the following terms of supervised probation:

(a) commit no offense against the laws of this or any state of the United States or of the United States;

(b) avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;

(c) support all dependents;

(d) work faithfully at suitable employment so far as possible;

(e) not possess or consume any alcohol beverage, nor go into or remain about any place where alcoholic beverages are sold as a primary sale item, and not possess or use any controlled substance not lawfully prescribed by a physician;

(f) submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States;

(g) report to the Department of Corrections as directed by it;

(h) permit the Field Officer to visit him at home or elsewhere;

(i) remain within the State of Mississippi unless authorized to leave on proper application therefor;

(j) waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return defendant to the State of Mississippi;

(k) pay to the Department of Corrections the sum of \$20.00 per month by "Certified check" or "money order" until discharged from supervision;

(l) pay restitution, attorney's fees, court costs and assessments as outlined above.

The terms of the Suspension of Sentence are the same as those of Supervised Probation except items (g), (h) and (k).

16. HABITUAL CRIMINAL PARAGRAPH. If NOT applicable, CHECK _____.
If applicable, please note the statute under which the plea of guilty is to taken: of Corrections
as directed by it;

MISS CODE ANN. §99-19-81 _____; MISS CODE ANN. §99-19-83 _____;

Specify the punishment sought to be enhanced:

SIGNED AND SWORN TO BY ME on this, the 18th day of April,
19 97, with the full knowledge that every person who shall wilfully and corruptly
swear, testify, or affirm falsely to any material matter under any oath, affirmation, or
declaration legally administered in any matter, cause, or proceeding pending in any
court of law or equity shall, upon conviction, be punished as provided by law.

Walter James Haytall
DEFENDANT

WITNESS:

H. Lee Bailey, Jr.
DEFENDANT'S ATTORNEY

STATE OF MISSISSIPPI
COUNTY OF Montgomery

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS, THE 18th DAY
OF April, 19 97.

Vina Ryals-Blaylock
Circuit Clerk
(Official Title)

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the above Defendant hereby certifies:

1. I have read and fully explained to the Defendant the allegations contained in the indictment in this case.

2. To the best of my knowledge and belief the statements, representations, and declarations made by the Defendant in the foregoing petition are in all respects accurate and true.

3. I have explained the minimum and maximum penalties for each count to the Defendant, and consider him / her competent to understand the charges against him / her and the effect of his / her petition to enter a plea of guilty.

4. The plea of Guilty offered by the Defendant in this petition accords with my understanding of the facts he / she related to me and is consistent with my advice to the Defendant.

5. In my opinion, the plea of Guilty as offered by the Defendant in this petition is voluntarily and understandingly made. I recommend that this Court accept the plea of Guilty.

6. Having discussed this matter carefully with the Defendant, I am satisfied, and I hereby certify that, in my opinion, he / she is mentally and physically competent; there is no mental or physical condition which would affect his / her understanding of these proceedings; further, I state that I have no reason to believe that he / she is presently operating under the influence of drugs or intoxicants. [Any exceptions to this statement should be stated by Counsel on the Record].

Signed by me in the presence of the Defendant above named and after full discussion of the contents of this certificate with the defendant on this, the 15th day of April, 19 97.

H. Lee Bailey, Jr.
ATTORNEY FOR THE DEFENDANT

NAME Willie James Hemphill ALIAS _____

SSN 587-19-1768 RACE B SEX M.

LAST KNOWN RESIDENCE 1000 BB King Dr., N. Michael

PLACE OF BIRTH Winona DATE OF BIRTH 9/10/71

COUNTRY OF CITIZENSHIP U.S.

THE STATE OF MISSISSIPPI

CAPIAS

Cause No.

7454

TO THE SHERIFF OF MONTGOMERY COUNTY—GREETINGS:

WE COMMAND YOU to take the bod^y

of Willie J. Hemphill

if to be found in your County, and he~~she~~ safely keep, so that you have him~~her~~ before our Circuit Court, at
at 10:00 A.M.

the Court room thereof in the City of Winona, on the 25th day of March, 1997

then and there to answer to the State of Mississippi, on a charge of

Felony Shoplifting

HEREIN FAIL NOT, and have you then and there this Writ.

Witness, Tina Ryals-Blaylock, Clerk of our said Court, with the seal of his
office affixed, at Winona, Mississippi, this the 21st day of

March, 1997.

Tina Blaylock, Clerk

By _____, D. C.

INDICTMENT

THE STATE OF MISSISSIPPI
VERSUS
WILLIE J. HEMPHILL

CAUSE NO. 7454

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Grand Jury Recalled March 20, 1997

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WILLIE J. HEMPHILL

late of Montgomery County, Mississippi, on or about the 15th day of August, 1996, in the county and state aforesaid and within the jurisdiction of this Court, did wilfully, unlawfully and feloniously take possession of one (1) Eighteen pack of Budweiser Beer, having a value of Ten dollars and Sixty-Nine cents (\$10.69), which were held by, offered, or displayed for sale by the Sayle Oil Co., a corporation, d/b/a Gas Mart in Winona, Mississippi, a further and more complete description being to the Grand Jury unknown, the said defendant having then and there the intention and purpose of converting said merchandise to his own use without paying the purchase price therefor, and the defendant having been at least twice previously convicted of shoplifting upon charges separately brought and arising out of separate incidents at different times; such convictions more particularly described as follows:

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all of the above being in violation of Miss. Code Ann., Section 97-23-93, and against the peace and dignity of the State of Mississippi.

Endorsed: A True Bill

Foreman of the Grand Jury

CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original now in my office.

ATTEST: Tina Ryals-Blaylock

CIRCUIT CLERK

BY: Rose Seal D.C.

FILED
MAR 21 1997
Tina Ryals-Blaylock
CIRCUIT CLERK
p.c.

THE STATE OF MISSISSIPPI

CAPIAS
Cause No. 7454

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By _____, D. C.

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VERSUS
WILLIE J. HEMPHILL

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Endorsed: A True Bill

Foreman of the Grand Jury

CERTIFYING STAMP

I hereby certify that the foregoing is a true copy of the original as now in my office.

ATTEST:

CIRCUIT CLERK

BY:

District Attorney

MAR 21 1997

INA RYANS - BLAYLOCK
CIRCUIT CLERK

P.O.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VS

CAUSE NO. 7454

WILLIE J. HEMPHIL

JUDGMENT

On April 18, 1997 into open court came the district attorney, the defendant in his own proper person and the defendant's counsel, the defendant having been charged by indictment with the **FELONY CRIME OF SHOPLIFTING**, and for plea thereto, the defendant entered a plea of guilty. Thereafter, the court advised defendant of his legal and constitutional rights in the premises, and of the consequences of such a plea; and after the defendant freely, voluntarily and intelligent waived his constitutional rights, and after the defendant admitted upon direct questioning that he is guilty of the crime to which he has pleaded guilty, the said plea of guilty was and is accepted by the court.

IT IS, THEREFORE, ORDERED, that the defendant, WILLIE J. HEMPHILL, and for such crime specified above, be and he is hereby sentenced to serve a term of FIVE (5) YEARS with the Mississippi Department of Corrections, THREE AND ONE-HALF (3 1/2) YEARS suspended for FIVE (5) YEARS beginning upon his release from incarceration with ONE AND ONE-HALF (1 1/2) YEARS to serve.

FURTHERMORE, the defendant is to pay all court costs, assessments and restitution in the amount of \$15.00 to Sayle Oil Company, d/b/a Gas Mart, Winona, MS within one year of his release from incarceration.

The sentence imposed in this cause shall run concurrent with the sentence imposed in cause

no. 7453 of this Court.

The following are terms of the suspended sentence:

a) commit no offense against the laws of this or any state of the United States or of the United State;

b) avoid injurious or vicious habits and avoid persons or places of disreputable or harmful character;

c) support all dependents;

d) work faithfully at suitable employment so far as possible;

e) not possess or consume any alcoholic beverage, nor go into or remain about any place where alcoholic beverages are sold as a primary sale item, and not possess or use any controlled substance not lawfully prescribed by a physician;

f) submit to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or any substance prohibited or controlled by the laws of this or any state of the United States or of the United States;

g) report to the Department of Corrections as directed by it;

h) permit the Field Officer to visit him at home or elsewhere;

i) remain within the State of Mississippi unless authorized to leave on proper application therefor;

j) waive extradition to the State of Mississippi from any jurisdiction in or outside the United States and agree not to contest any effort by any jurisdiction to return defendant to the State of Mississippi;

k) pay to the Department of Corrections the sum of \$20.00 per month by "certified check" or "money order" until discharged from supervision;

l) pay fine, court costs, and assessments as outlined above;

The terms of the Suspension of Sentence are the same as those of Supervised Probation except items (g), (h), and (k).

The defendant is remanded to the custody of the Sheriff to await transportation.

SO ORDERED this the 18 day of April, 1997.


CIRCUIT COURT JUDGE

FILED
APR 21 1997
Tina Ryals Blaylock
MRS. TINA RYALS - BLAYLOCK
CIRCUIT CLERK
By Rose Seal D.G.

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, MISSISSIPPI

The Circuit Court of Montgomery County, Mississippi, having been duly opened on Monday, April 14, 1997, with His Honor, Judge Clarence E. Morgan, III, Circuit Judge, Fifth Circuit Court District of Mississippi, presiding, the following transactions of business were had, to-wit:

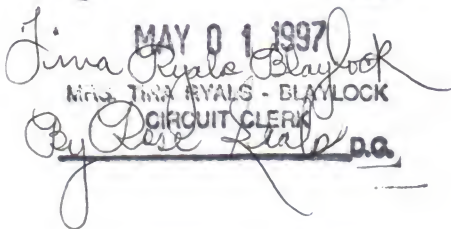
7454, WILLIE E. HEMPHILL, indicted on a charge of FELONY SHOPLIFTING, was arraigned and entered a plea of not guilty. Defendant's address is 1000 B.B. King Drive, Kilmichael, Mississippi. His phone number is (601) 283-4837. Honorable Lee Bailey, Montgomery County Public Defender, was appointed as counsel.

The Court does hereby Order that a copy of the within be both spread upon the Minutes of this Court and placed within this cause number file.

SO ORDERED this the 30 day of April, 1997.


CIRCUIT JUDGE

FILED

MAY 01 1997
Jina Ryals Blaylock
MISS. JINA RYALS - BLAYLOCK
CIRCUIT CLERK

P.A.

BB 439

IN THE CIRCUIT COURT OF
MONTGOMERY COUNTY, MISSISSIPPI

STATE OF MISSISSIPPI

VERSUS

CAUSE NO. 7453

WILLIE HEMPHILL

FILED

STATE OF MISSISSIPPI

VERSUS

WILLIE HEMPHILL

NOV 12 1997

MRS. TINA RYALS - BLAYLOCK
CIRCUIT CLERK

CAUSE NO. 7454

By Rose D.C.

TRANSCRIPT OF THE PROCEEDINGS HAD AND DONE IN
CONNECTION WITH A PLEA OF GUILTY IN THE ABOVE STYLED
AND NUMBERED CAUSE, BEFORE THE HONORABLE CLARENCE E.
MORGAN, III, CIRCUIT JUDGE, FIFTH CIRCUIT COURT
DISTRICT OF THE STATE OF MISSISSIPPI, ON THE 18TH
DAY OF APRIL, 1997.

APPEARANCES:

HONORABLE MICKEY MALLETTE
Assistant District Attorney
Post Office Box 1262
Grenada, Mississippi 38901

(Representing the State)

HONORABLE LEE BAILEY
Montgomery County Public Defender
Post Office Box 133
Winona, Mississippi 38967

(Representing the Defendant)

Reported By: Noelle C. Skelton, CSR
Mississippi CSR No. 1356

1 **BY THE COURT:** You are Willie J.
2 Hemphill?

3 **BY THE DEFENDANT:** Yes, Your Honor.

4 **BY THE COURT:** Have you been sworn in?

5 **BY THE DEFENDANT:** Yes.

6 **BY THE COURT:** Okay. You're represented
7 by Mr. Bailey?

8 **BY THE DEFENDANT:** Yes, sir.

9 **BY THE COURT:** Mr. Bailey, you represent
10 him as the public defender of Montgomery
11 County?

12 **BY MR. BAILEY:** Yes, sir.

13 **BY THE COURT:** He has heretofore -- well,
14 first, on 7453, Mr. Hemphill, have you
15 been served a copy of the indictment --

16 **BY THE DEFENDANT:** Yes, sir.

17 **BY THE COURT:** -- in that case?

18 **BY THE DEFENDANT:** 7454.

19 **BY THE COURT:** Okay. Have you ever been
20 served with that indictment?

21 **BY THE DEFENDANT:** No, sir.

22 **BY THE COURT:** Okay. Let's get him
23 served.

24 (Off Record)

25 **BY THE COURT:** Okay. In Cause No. 7453,
26 Mr. Hemphill, you have now been served a
27 copy of that indictment. Is that
28 correct?

29 **BY THE DEFENDANT:** Yes, Your Honor.

1 **BY THE COURT:** Okay. Mr. Bailey, what do
2 you say to a reading of that indictment?

3 **BY MR. BAILEY:** Waive the reading.

4 **BY THE COURT:** And I notice that there's
5 a petition filed in that cause also where
6 he intends to enter a plea of guilty to
7 that charge. Is that correct?

8 **BY MR. BAILEY:** Yes, sir.

9 **BY THE COURT:** Okay. And in Cause
10 No. 7455, there's also a petition to --
11 I'm sorry. 7454, there's also a petition
12 to change his plea of not guilty to one
13 of guilty. Correct?

14 **BY MR. BAILEY:** Yes, sir.

15 **BY THE COURT:** Did you prepare those
16 petitions for the Defendant?

17 **BY MR. BAILEY:** Yes, sir.

18 **BY THE COURT:** Did you go over them with
19 him and explain them to him?

20 **BY MR. BAILEY:** Yes, sir.

21 **BY THE COURT:** Did you read them to him,
22 or did he read them himself?

23 **BY MR. BAILEY:** I read them to him, and
24 then he read them.

25 **BY THE COURT:** All right. Did you
26 explain to him the nature of the charges
27 against him and what the State would have
28 to prove in order to convict him of those
29 charges?

1 **BY MR. BAILEY:** Yes, sir.

2 **BY THE COURT:** Did you discuss with him
3 any defenses that he might have?

4 **BY MR. BAILEY:** Yes, sir.

5 **BY THE COURT:** Did you, in particular,
6 explain to him his constitutional rights
7 as contained in Paragraph 6 of the
8 petition?

9 **BY MR. BAILEY:** Yes, sir.

10 **BY THE COURT:** Did you explain to him
11 that he would waive those rights by
12 entering a plea of guilty?

13 **BY MR. BAILEY:** Yes, sir.

14 **BY THE COURT:** Did you explain to him the
15 minimum and maximum sentence available to
16 him on this charge?

17 **BY MR. BAILEY:** Yes, sir.

18 **BY THE COURT:** Do you think he
19 understands everything that we're doing
20 here today?

21 **BY MR. BAILEY:** Yes, sir.

22 **BY THE COURT:** Do you think his change of
23 plea on both charges is a free and
24 voluntary act?

25 **BY MR. BAILEY:** Yes, sir.

26 **BY THE COURT:** Mr. Hemphill, how old are
27 you?

28 **BY THE DEFENDANT:** Twenty-five.

29 **BY THE COURT:** How much education have

1 you got?

2 **BY THE DEFENDANT:** I went to the 12th
3 grade.

4 **BY THE COURT:** Can you read and write?

5 **BY THE DEFENDANT:** Yes, Your Honor.

6 **BY THE COURT:** Did you read each of these
7 petitions that Mr. Bailey gave you --

8 **BY THE DEFENDANT:** Yes, sir.

9 **BY THE COURT:** -- or prepared for you?

10 **BY THE DEFENDANT:** Yes, sir. I read over
11 them.

12 **BY THE COURT:** All right. Do you
13 understand they're asking me to accept
14 your plea of guilty. Is that correct?

15 **BY THE DEFENDANT:** Yes, Your Honor.

16 **BY THE COURT:** Did you discuss those with
17 Mr. Bailey? Did you discuss those --

18 **BY THE DEFENDANT:** Yes, sir.

19 **BY THE COURT:** -- petitions with
20 Mr. Bailey?

21 **BY THE DEFENDANT:** I discussed
22 everything.

23 **BY THE COURT:** Okay. Do you understand
24 what he talked to you about?

25 **BY THE DEFENDANT:** Yes, Your Honor.

26 **BY THE COURT:** Anything about what he
27 talked to you about or what we're doing
28 here today you don't understand?

29 **BY THE DEFENDANT:** I don't understand why

1 I can't get house arrest.

2 **BY THE COURT:** Okay. But as far as the
3 charges -- as far as the charges go,
4 though, you understand about the charges,
5 right?

6 **BY THE DEFENDANT:** Yes, sir.

7 **BY THE COURT:** And you understand that
8 you are pleading guilty to these charges?

9 **BY THE DEFENDANT:** Yes, Your Honor.

10 **BY THE COURT:** Okay. Are the things
11 contained in these petitions true and
12 correct?

13 **BY THE DEFENDANT:** Yes, Your Honor.

14 **BY THE COURT:** Is it your -- is it your
15 signature on the last page of the
16 petition?

17 **BY THE DEFENDANT:** Yes, Your Honor.

18 **BY THE COURT:** Okay. Before I can accept
19 your plea on either charge, I must advise
20 you of your constitutional rights and
21 advise you that you will waive those by
22 entering a plea of guilty today.

23 Do you understand that you have a
24 right to a public and speedy trial by a
25 jury?

26 **BY THE DEFENDANT:** Yes, Your Honor.

27 **BY THE COURT:** Do you understand you have
28 the right to cross-examine anybody that
29 testifies against you?

1 **BY THE DEFENDANT:** Yes.

2 **BY THE COURT:** Do you understand that you
3 have the right to call into court
4 witnesses to testify in your behalf?

5 **BY THE DEFENDANT:** Yes, sir.

6 **BY THE COURT:** Do you understand that you
7 have the right to testify yourself, but
8 that you also have the right not to?

9 **BY THE DEFENDANT:** Yes, sir.

10 **BY THE COURT:** Do you understand if you
11 don't testify -- and elect not to
12 testify, that I'll instruct the jury they
13 can't hold that fact against you?

14 **BY THE DEFENDANT:** Yes, Your Honor.

15 **BY THE COURT:** Do you understand you have
16 a right to an attorney at all stages of
17 the prosecution?

18 **BY THE DEFENDANT:** Yes.

19 **BY THE COURT:** Do you understand that I
20 will instruct the jury that they must
21 presume that you're innocent until such
22 time the State proves your guilt beyond a
23 reasonable doubt?

24 **BY THE DEFENDANT:** Yes, Your Honor.

25 **BY THE COURT:** Do you understand that all
26 12 jurors would have to find you guilty
27 beyond a reasonable doubt before they
28 could return a verdict against you?

29 **BY THE DEFENDANT:** Yes.

1 **BY THE COURT:** Do you understand that if
2 you are convicted by a jury, you would
3 have a right to appeal that conviction to
4 the Mississippi Supreme Court?

5 **BY THE DEFENDANT:** Yes, Your Honor.

6 **BY THE COURT:** And if you can't afford
7 the cost of appeal, I'll appoint an
8 attorney to represent you; and all the
9 costs will be paid by the State?

10 **BY THE DEFENDANT:** Yes, Your Honor.

11 **BY THE COURT:** Do you understand you
12 waive all those rights by entering a plea
13 of guilty?

14 **BY THE DEFENDANT:** Yes, Your Honor.

15 **BY THE COURT:** Do you understand that you
16 are charged with two charges -- different
17 charges of felony shoplifting?

18 **BY THE DEFENDANT:** Yes, sir.

19 **BY THE COURT:** Have you discussed
20 those -- those charges with Mr. Bailey?

21 **BY THE DEFENDANT:** Yes, Your Honor.

22 **BY THE COURT:** Did he explain to you what
23 the State would have to prove in order to
24 convict you of those charges?

25 **BY THE DEFENDANT:** They'll have to prove
26 I'm guilty, right? They'll have to prove
27 that I'm guilty.

28 **BY THE COURT:** Right.

29 **BY THE DEFENDANT:** Yes, sir.

1 **BY THE COURT:** And he talked to you about
2 that, how they would have to go about
3 doing that. Is that right?

4 **BY THE DEFENDANT:** Yes, sir.

5 **BY THE COURT:** Did you and he discuss any
6 possible defenses that you might have?

7 **BY THE DEFENDANT:** Yes.

8 **BY THE COURT:** Are you completely
9 satisfied with his representation of you
10 in this matter?

11 **BY THE DEFENDANT:** I guess so.

12 **BY THE COURT:** Was there anything you
13 wanted him to do that he has not done?

14 **BY THE DEFENDANT:** I want to get house
15 arrest.

16 **BY THE COURT:** Yeah, I understand that,
17 Mr. Hemphill. But Mr. Bailey is not the
18 one that always gets the say on that. To
19 start with, he may not get the State to
20 agree to recommend that. And if the
21 State recommends it, he ain't got
22 anything to do with whether I do it or
23 not. Do you understand that?

24 **BY THE DEFENDANT:** Yes, sir.

25 **BY THE COURT:** I don't have to accept
26 anything that they work out. Do you
27 understand that?

28 **BY THE DEFENDANT:** Yes, Your Honor.

29 **BY THE COURT:** Okay. Other than that,

1 other than the fact that he couldn't get
2 you a deal for house arrest, are you
3 satisfied with what he's done for you in
4 this case?

5 **BY THE DEFENDANT:** Yes, Your Honor.

6 **BY THE COURT:** After your discussions
7 with him, is it your own idea -- are you
8 pleading guilty on your own?

9 **BY THE DEFENDANT:** Yes, Your Honor.

10 **BY THE COURT:** Okay. Anybody make any
11 threat against you, coerce you in any way
12 or use any physical violence against you
13 to get you to enter a plea of guilty?

14 **BY THE DEFENDANT:** No, Your Honor.

15 **BY THE COURT:** Anybody make any promise
16 to you or give you anything of value or
17 any hope of reward in order to get you to
18 enter a plea of guilty?

19 **BY THE DEFENDANT:** No, Your Honor.

20 **BY THE COURT:** Are you presently under
21 the influence of drugs or alcohol or
22 undergoing any mental treatment?

23 **BY THE DEFENDANT:** No, Your Honor.

24 **BY THE COURT:** Do you understand that on
25 each charge there is -- there is no
26 minimum sentence, but there is a maximum
27 sentence of five years?

28 **BY THE DEFENDANT:** Yes, Your Honor.

29 **BY THE COURT:** Do you understand there's

1 no minimum fine, but there's a maximum
2 fine of \$1,000?

3 **BY THE DEFENDANT:** Yes, Your Honor.

4 **BY THE COURT:** Do you understand that
5 that means that if you are convicted on
6 both of them, it is possible that you
7 could get ten years to serve and pay a
8 \$2,000 fine?

9 **BY THE DEFENDANT:** Yes, Your Honor.

10 **BY THE COURT:** Okay. I'll hear from the
11 State on the factual basis of the charge.

12 **BY MR. MALLETT:** Your Honor, the State
13 would intend to prove at trial in Cause
14 No. 7453 that the Defendant, Willie J.
15 Hemphill, of Montgomery County, on or
16 about the 21st day of August, 1996, in
17 Montgomery County, Mississippi, did
18 willfully, unlawfully and feloniously
19 take possession of a quart of Budweiser
20 or Bud Light beer, which was offered and
21 held by and displaced for sale by Mim's
22 Convenience Stores, Incorporated, a
23 corporation, doing business as the Jitney
24 Junior in Winona, Mississippi.

25 The said Defendant having then and
26 there the intention and purpose of
27 converting said merchandise to his own
28 use without paying the purchase price
29 therefore. And the Defendant having been

1 at least twice previously convicted of
2 shoplifting upon charges separately
3 brought or arising out of separate
4 incidents at different times.

5 Those convictions being that he was
6 convicted of shoplifting on December
7 29th, 1992, in Winona City Court in
8 Mississippi in Cause No. 9212-1537. And
9 also, that he was convicted of the crime
10 of shoplifting on August 16th, 1994, in
11 Winona City Court in Mississippi in Cause
12 No. 9408-2696. All of the above being
13 against the peace and dignity of the
14 State of Mississippi.

15 Further, the State would intend to
16 prove at trial in Cause No. 7454 that the
17 Defendant, Willie J. Hemphill, of
18 Montgomery County, on or about the 15th
19 day of August, 1996, in Montgomery
20 County, Mississippi, did willfully,
21 unlawfully and feloniously take
22 possession of an 18 pack of Budweiser
23 beer, which was offered and held and
24 displayed for sale by the Sayle Oil
25 Company, a corporation, doing business as
26 Gas Mart in Winona, Mississippi.

27 The said Defendant having then and
28 there the intention and purpose of
29 converting that merchandise to his own

1 use without paying the purchase price
2 therefore. And the Defendant having been
3 at least twice previously convicted of
4 shoplifting upon separate charges arising
5 out of separate incidents at different
6 times, those being the same two that I
7 listed a moment ago.

8 **BY THE COURT:** Mr. Hemphill, you heard
9 what the State intends to prove in the
10 event each of these cases goes to trial.
11 Do you have any disagreement with what he
12 just said?

13 **BY THE DEFENDANT:** No, Your Honor.

14 **BY THE COURT:** Okay. Did you say no?

15 **BY THE DEFENDANT:** No, I don't --

16 **BY THE COURT:** Did you say I don't know,
17 or did you --

18 **BY THE DEFENDANT:** I said no.

19 **BY THE COURT:** No. Okay. Did you, in
20 fact, on August 21st, 1996, shoplift a
21 quart of beer from Mim's Convenience
22 Store; and August 15th, 1996, shoplift an
23 18 pack of beer from Gas Mart? Did you
24 do those things?

25 **BY THE DEFENDANT:** Yes, Your Honor.

26 **BY THE COURT:** All right. Have you
27 previously been convicted on December
28 29th, 1992, in the City Court of Winona,
29 Mississippi, for shoplifting?

1 **BY THE DEFENDANT:** Yes, Your Honor.

2 **BY THE COURT:** Have you on August 16th,
3 1994, been convicted in the City Court of
4 Winona for shoplifting?

5 **BY THE DEFENDANT:** Well, Your Honor, they
6 told me to pay a fine. Just to pay the
7 fine instead of -- and keep me out of
8 court. I wasn't not guilty on those --
9 on those charges.

10 **BY THE COURT:** You weren't not guilty?

11 **BY THE DEFENDANT:** They told me to pay a
12 fine just to keep it out of -- out of
13 court.

14 **BY THE COURT:** Well, have you been
15 convicted on it?

16 **BY THE DEFENDANT:** I paid the fine on it.
17 That was it.

18 **BY THE COURT:** Mr. Bailey, have you
19 checked into it? Has he been convicted?

20 **BY MR. BAILEY:** No, sir. I asked him
21 earlier when we were talking. He didn't
22 tell me that.

23 **BY THE DEFENDANT:** I was to pay the fine
24 on it.

25 **BY THE COURT:** Well, if you paid the
26 fine, you obviously -- did you plead
27 guilty or not guilty when you went to
28 court?

29 **BY THE DEFENDANT:** They told me to pay

1 the fine or stay in jail. So I paid the
2 fine. Yeah. I was guilty on all of
3 them. Let's get this over with. I'll go
4 ahead and say I was guilty on them.

5 **BY MR. MALLETT:** Let me make sure we've
6 got it.

7 **BY THE DEFENDANT:** I'll go ahead and say
8 I was guilty on those, too.

9 **BY THE COURT:** You've now got a copy
10 of --

11 **BY MR. MALLETT:** I've got a copy of
12 docket book for that day, Your Honor,
13 showing that he was -- no, that's -- I'm
14 sorry. That's bound over for this
15 charge.

16 **BY THE DEFENDANT:** I'll say I was guilty.

17 **BY THE COURT:** I understand.

18 **BY MR. MALLETT:** I don't think we've got
19 a copy in the file that I see.

20 **BY THE COURT:** Okay. He's acknowledged
21 that he has been convicted. I'm going to
22 direct, though, that the State get the
23 copies from the city court clerk in
24 Winona and put those in the file to
25 verify that.

26 **BY MR. MALLETT:** Yes, Your Honor. We
27 will do that.

28 **BY THE COURT:** If you find that that has
29 not been -- is not true, then we need to

1 revisit that before the term is out.
2 Okay? I'm confident that it is, but --
3 okay?

4 Okay. You expect the State to make
5 a recommendation as to the type of
6 sentence you should receive in this
7 matter. Do you understand I don't have
8 to accept that, but may instead impose
9 any sentence allowed by law?

10 **BY THE DEFENDANT:** Yes, Your Honor.

11 **BY THE COURT:** Do you understand nobody
12 can guarantee you any early release,
13 probation or parole in this matter; and
14 if you are sentenced to a term of
15 incarceration, you might have to serve
16 the whole thing?

17 **BY THE DEFENDANT:** Yes, Your Honor.

18 **BY THE COURT:** In Cause No. 7453 on the
19 charge of felony shoplifting,
20 Mr. Hemphill, how do you plead -- guilty
21 or not guilty?

22 **BY THE DEFENDANT:** Guilty.

23 **BY THE COURT:** In Cause No. 7454 on the
24 State of -- on the charge of felony
25 shoplifting, how do plead -- guilty or
26 not guilty?

27 **BY THE DEFENDANT:** Guilty.

28 **BY THE COURT:** Mr. Bailey, do you know of
29 any reason I shouldn't accept the

1 Defendant's plea of guilty --

2 **BY MR. BAILEY:** No, sir.

3 **BY THE COURT:** -- on each charge?

4 **BY MR. BAILEY:** No, sir.

5 **BY THE COURT:** I find that the
6 Defendant's plea on each charge is freely
7 and voluntarily given, that there's a
8 factual basis for the charge; and I
9 accept the Defendant's plea of guilty.

10 Does the State have a
11 recommendation?

12 **BY MR. MALLETT:** Yes, Your Honor. In
13 Cause No. 7453, the State recommends a
14 sentence of five years with the
15 Mississippi Department of Corrections,
16 with three and a half of those years
17 suspended, leaving -- suspended for a
18 period of five years, leaving a year and
19 a half to serve.

20 We also ask that he be placed on two
21 years' supervised probation upon his
22 release, that he be ordered to pay all
23 costs, assessments and fees associated
24 with this charge, plus a \$500 fine. And
25 there is no restitution in this charge.

26 In Cause No. 7454, the State also
27 recommends a five-year sentence with the
28 Mississippi Department of Corrections,
29 with three and a half of those years

1 suspended and a year and a half to serve,
2 that he be ordered to pay \$15 restitution
3 to Sayle Oil Company, doing business as
4 Gas Mart, in Winona, Mississippi, and
5 that he have to pay all court costs,
6 assessments and fees associated with this
7 charge. That to run concurrent with his
8 sentence in Cause 7453. There is no fine
9 on 7454.

10 **BY THE COURT:** Is that your
11 understanding, Mr. Bailey?

12 **BY MR. BAILEY:** Yes, sir.

13 **BY THE COURT:** Is that your
14 understanding --

15 **BY THE DEFENDANT:** Yes, Your Honor.

16 **BY THE COURT:** -- Mr. Hemphill?

17 Mr. Hemphill, that was pretty expensive
18 beer, wasn't it?

19 **BY THE DEFENDANT:** Yes, Your Honor.

20 **BY THE COURT:** That will be the sentence
21 of the Court. In 7453, I sentence you to
22 five years with the Mississippi
23 Department of Corrections. I suspend
24 three and a half years -- I mean, suspend
25 three and a half years of that sentence
26 for a period of five years.

27 I order you to be placed on two
28 years' supervised probation upon your
29 release from incarceration. I order you

1 to pay a \$500 fine and all costs, fees
2 and assessments involved with that
3 charge.

4 Cause No. 7554 -- I mean 7454, I
5 sentence you to five years with the
6 Mississippi Department of Corrections,
7 three and a half years suspended for a
8 period of five years.

9 I order you to pay all costs, fees
10 and assessments with that charge,
11 restitution to Sayle Oil Company in the
12 amount of \$15. And I order that the
13 sentence imposed in 7454 run concurrent
14 with the sentence imposed in 7453.

15 I order that all matters ordered --
16 all amounts ordered to be paid by this
17 judgment or these judgments be paid
18 within six months of your release from
19 incarceration.

20 **BY MR. MALLETT:** Just for the record,
21 Your Honor, I found a copy of
22 Mr. Hemphill's waiver of attorney and the
23 court records showing his plea of guilty
24 to the charges on August 16th, 1994. And
25 I can place those in the record if we
26 need to do that.

27 **BY THE COURT:** Okay. I think it will be
28 best if you did that. Any objection to
29 that?

1 BY MR. BAILEY: No, sir.

2 BY THE COURT: Okay.

3 BY MR. BAILEY: Judge, are you going to
4 give him six months to pay or a year?

5 BY THE COURT: I'll give him a year.

6 Make that a year rather than six months.

7 Okay. Mr. Hemphill, did you read
8 Paragraph 15 of that petition?

9 BY THE DEFENDANT: Which one?

10 BY THE COURT: This one right here. Did
11 you read that?

12 BY THE DEFENDANT: No alcohol, no drugs
13 part?

14 BY THE COURT: Yeah. Did you and
15 Mr. Bailey go over what the terms of your
16 suspended sentence and your probation
17 were?

18 BY THE DEFENDANT: Right.

19 BY THE COURT: Do you understand all of
20 those?

21 BY THE DEFENDANT: Yes, sir.

22 BY THE COURT: You read them and he read
23 them to you, right?

24 BY THE DEFENDANT: Yes, Your Honor.

25 BY THE COURT: Have you got any questions
26 of me about them? Now is the time to ask
27 if you do.

28 BY THE DEFENDANT: No, Your Honor.

29 BY THE COURT: You sure?

1 **BY THE DEFENDANT:** No, Your Honor.

2 **BY THE COURT:** Okay. Do you understand,
3 and did Mr. Bailey tell you, that if you
4 violate those terms and conditions and
5 it's reported to me, that I will revoke
6 your suspended sentence and you'll have
7 to serve all this time? Do you
8 understand that?

9 **BY THE DEFENDANT:** Yes, Your Honor.

10 **BY THE COURT:** Okay. That will be the
11 sentence of the Court.

12 (Proceedings Concluded)

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CERTIFICATE OF REPORTER

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

I, Noelle C. Skelton, Official Court Reporter in and for the Fifth Circuit Court District of the State of Mississippi, do hereby certify that the above and foregoing pages constitute a true, accurate and complete transcription of my stenotype notes and tape recording taken in this matter, and that I have transcribed the same to the best of my skill and ability.

I do further certify that my certificate annexed hereto applies only to the original certified transcript. The undersigned assumes no responsibility for the accuracy of any reproduced copies not made under my control or direction.

WITNESS MY SIGNATURE, on this the 20TH day of August, 1997.



NOELLE C. SKELTON, CSR
Mississippi CSR No. 1356

My Commission Expires:

May 15, 1999

7454
CAUSE# 7453

STATE OF MISSISSIPPI VERSUS Willie Hemphill

JUDGE Loper

DISPOSITION OF CASE Two years custody MDOC

BOND None

NEW COURT DATE N/A

Montgomery CO. Reba Carpenter MSO
~~CSC~~ REPRESENTATIVE

DATE 10-12-98

JUDGE'S SIGNATURE Joseph H. Loper, Jr.

FILED

OCT 12 1998

MRS. TINA FYALS - BLAYLOCK
CIRCUIT CLERK

D.C.

DD 522

FEE BILL, CRIMINAL CASES, CIRCUIT COURT

STATE OF MISSISSIPPI
MONTGOMERY COUNTY
CASE NO. 7453, 54

STATE OF MISSISSIPPI
VS.

No 2393

Willie Hemphill

7454

Jury Tax.....	\$ 3.00
Court Reporter's Fee.....	10.00
County Attorney.....	3.00
Law Library.....	2.50
State Court Education Fund.....	2.00
Clerk's Fee.....	75.00
Sub-Total.....	95.50
Sheriff's Fee.....	
Law Enforcement Officers and Training.....	
Federal State Alcohol Program.....	
Mississippi Alcohol Safety Education Program.....	
Emergency Medical Services.....	
Correctional Facility Construction.....	
Driver Education and Training.....	
Hunter's Safety Education Program.....	
Fees of other Sheriff's.....	
Restitution.....	<u>2.79</u>
Other.....	<u>Ch.# 10758</u>
Other.....	
Fine.....	
TOTAL.....	
Partial Payment.....	

How Paid: ☐ Cash Payment received from MDOC
☒ Check This the 26th day of October A.D., 1998 Dollars \$ 2.79
☐ Money Order

By TRB D.C. TRB Circuit Clerk
(Prescribed by Mississippi State Department of Audit)

DEPARTMENT OF CORRECTIONS

Affidavit

VIOLATION OF PROBATION

Cause Number 7453 & 7454

FILED

MAR 25 1999

MRS. TINA RYALS - BLAYLOCK
CIRCUIT CLERK
D.C.

Before me Joseph Loper, Judge of the Circuit Court in and for Montgomery County, Mississippi, personally came Delores W. Cates (Field Officer) who, being first duly sworn, says that Willie Hemphill (Probationer) hereinafter referred to as the aforesaid, was on the 18th day of April A.D. 19 97, convicted of the offense of Felony Shoplifting in the Circuit Court of Montgomery County, which Court sentenced him to serve 3 1/2 years in the custody of the Department of Corrections and suspended the execution and placed the aforesaid on probation for a term of 2 years, in accordance with the provisions of Mississippi Code 1972, Annotated, Section 47-7-33.

It further appearing that the aforesaid has not properly conducted him self, but has violated the conditions of his probation in a material respect by:
Failing to complete the program at the Leflore County Restitution Center by committing violations of the Restitution Center.

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99, & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #2, Absconding supervision of the Restitution Center, 3/19/99.

Delores W. Cates
(Field Officer)

Sworn to and subscribed before me this 27th day of June, A.D. 19 99.

MISSISSIPPI STATEWIDE NOTARY PUBLIC
MY COMMISSION EXPIRES NOV. 5, 2002
CONDED THRU STEGALL NOTARY SERVICE

Nanette Little

Joseph H. Loper, Jr.
Judge of the Circuit Court
in and for Montgomery County

cc: Circuit Clerk (original)
Deputy Commissioner of Community Services
Field Officer

EE 195

Warrant

In the Name of the State of Mississippi, and Peace Officer of the State of Mississippi:

WHEREAS, Delores W. Cates has this day made oath before
Hon. Joseph Loper that on the 18th day of April,
 A.D. 19 97, one Willie Hemphill hereinafter referred to as the
 aforesaid, was convicted of the offense of Felony Shoplifting in the Circuit
 Court of Montgomery County, which Court sentenced him to serve 3½ years in the
 custody of the Department of Corrections and suspended the execution of said sentence and placed the aforesaid
 on probation for a term of 2 years, in accordance with the provisions of Section 27, Chapter 262, Laws of
 Mississippi, 1956, and

It further appearing that the aforesaid has not properly conducted him self, but has violated the conditions
 of his probation in a material respect by:

Failing to complete the program at the Leflore County Restitution Center by
 committing violations of the Restitution Center.

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99 & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #02, Absconding supervision of the Restitution Center, 3/19/99.

THESE ARE, THEREFORE, to command you to arrest instanter the aforesaid Willie

Hemphill, and bring him before me to be dealt with ac-
 cording to law.

Given under my hand and seal this 25th day of March, A.D. 19 99.

FILED

MAR 25 1999
 TINA RYALS - BLOKLOCK
 CIRCUIT CLERK
 by Case Clerk D.C.

Joseph H. Loper, Jr.
 Judge of the Circuit Court.
 in and for Montgomery County.

Mississippi Department of Corrections

#7454

Division of Community Services



Greenwood/Leflore County Restitution Center

P. O. Box 1346

Greenwood, Mississippi 38935-1346

(601) 453-5134

FAX 601-453-0243

March 26, 1999

Tina L. Blaylock, Circuit Clerk
Montgomery County Mississippi
Post Office Box 765
Winona, Mississippi 38967

Dear Tina L. Blacklock:

Enclosed you will find a Waiver of Preliminary Probation Revocation Hearing and Waiver of Notice and Waiting Period to Revocation Hearing on Willie Hemphill, Montgomery County Causes # 7453 and 7454. At your earliest convenience, please file and return to me a copy of each.

Thanking you in advance for your assistance in this matter.

Respectfully,

Delores W. Cates

Delores W. Cates,
Field Officer II

FILED
MAR 29 1999
Tina Blaylock
MRS. TINA FYALS - BLAYLOCK
CIRCUIT CLERK
By Rose Seal D.C.

Mississippi Department of Corrections

Division of Community Services



Greenwood/Leflore County Restitution Center

P. O. Box 1346

Greenwood, Mississippi 38935-1346

(601) 453-5134

FAX 601-453-4558

FILED

MAR 29 1999

MRS. TINA RYALS, CLAY LOCK
CIRCUIT CLERK

By Rose Lee D.C.

WAIVER OF RIGHT

TO

PRELIMINARY PROBATION REVOCATION HEARING

I, Willie Hemphill, CAUSE NO. 7453 & 7454

HAVE BEEN CHARGED WITH THE PROBATION VIOLATION (S) LISTED
BELOWS:

1. Violation #19, being terminated from employment, 9/2/98.
2. Violation #18, refusing to work, 9/2/98.
3. Violation #24, unauthorized area away from the Center, 9/6/98.
4. Violation #42, Possession of prohibited item, 9/6/98.
5. Violation #15, Positive for the use of alcohol, 2/6/99, 2/16/99 & 3/13/99.
6. Violation #15, Positive for the use of marijuana, 1/12/99.
7. Violation #02, Absconding supervision of the Restitution Center, 3/19/99.

After having these charges fully explained to me, and without waiving any other rights I may have, DO HEREBY VOLUNTARILY WAIVE and relinquish my right to a Preliminary Probation Revocation Hearing, and futher request that I be returned to the Circuit Court of Montgomery County for a Probation Revocation Hearing before the Circuit Judge.

SIGNED AND DATED, THIS THE 25th DAY OF March, 19 99.

Melores W. Cates
SIGNATURE OF WITNESS

Not Guilty
Willie Hemphill
SIGNATURE OF PROBATIONER

Mississippi Department of Corrections

Division of Community Services



Greenwood/Leflore County Restitution Center

P. O. Box 1346

Greenwood, Mississippi 38935-1346

(601) 453-5134

FAX 601-453-4558

WAIVER OF RIGHTS

TO

NOTICE AND/OR WAITING PERIOD PRIOR TO REVOCATION HEARING

I, Willie Hemphill Cause # 7453 & 7454 do hereby waive any and all rights which I may have, accrued under State and Federal Law, to a notice and/or any waiting period prior to hearing the allegation against me at any set date of my Probation Revocation Hearing.

I, Willie Hemphill Cause # 7453 & 7454, do hereby understand what has been explained and read to me, and sign this statement voluntarily on my own free will without any treats, promises or coercion of any kind from anyone.

25 March 99

DATE

Willie Hemphill

RESIDENT'S SIGNATURE

Deborah W. Cates

STAFF MEMBER'S SIGNATURE

Willie Hemphill

WITNESS' SIGNATURE

FILED

MAR 29 1999
Tina Rye-Blaylock
MRS. TINA RYAN BLAYLOCK
By Rose Seal D.C.

FEE BILL, CRIMINAL CASES, CIRCUIT COURT

STATE OF MISSISSIPPI

STATE OF MISSISSIPPI
MONTGOMERY COUNTY

No 2545

CASE NO. 7453-7454

VS.

Willie J. Hemphill

HEDERMAN BROTHERS - RIDGELAND, MS

Jury Tax	\$ 3.00
Court Reporter's Fee	10.00
County Attorney	3.00
Law Library	2.50
State Court Education Fund	2.00
Clerk's Fee	75.00
Sub-Total.	95.50
Sheriff's Fee	
Law Enforcement Officers and Training	
Federal State Alcohol Program	
Mississippi Alcohol Safety Education Program	
Emergency Medical Services	
Correctional Facility Construction	
Driver Education and Training	
Hunter's Safety Education Program	
Fees of other Sheriff's	
Restitution	# 7454 # 260.21
Other	ck# 11173
Other	# 7453 # 705.15
Fine	ck# 11173
TOTAL	
PARTIAL PAYMENT	

How Paid: ☐ Cash Payment received from MDOC
☒ Check this the 27th day of April A.D., 19 99 Dollars \$ 965.36
☐ Money Order

By Carolyn Bennett D.C. TINA RYALS-BLAYLOCK Circuit Clerk

(Prescribed by Miss. State Dept. of Audit)

Mississippi Department of Corrections

Division of Community Services



Greenwood Restitution Center
P.O. Box 1346
Greenwood, Mississippi 38930
(601) 453-5134

I, Willie Hemphill, having discussed my probation with Ellis Bevis FO II, feel that it would be in my best interest to voluntarily enter the Leflore County Restitution Center. I understand my responsibility to abide by the rules and guidelines of the restitution program. I also agree to pay any fines, Court Costs, restitution, and back supervision fees that I am obligated to pay by the Court Order dated April 18, 1997.

I further understand that my release from the Restitution Center depends on my meeting all financial obligations and having no serious behavioral problems.

I would further warrant that the above statement was freely given and I was not coerced or pressured by any other person.

Willie Hemphill
Probationer's Signature

8/21/98
Date

Ellis Bevis FO II
Witness

8/21/98
Date

FILED

AUG 28 1998
Theresa Royal-Claylock
MRS. THERESA ROYAL-CLAYLOCK
CLERK
D.C.

STATE OF MISSISSIPPI

VS.

In the _____ Circuit _____ Court

Willie Hemphill

Defendant.

Montgomery County, Mississippi

No. 7453 & 7454

Order of Modification of Probation

THIS CAUSE coming on to be heard, and being heard in the _____ vacation _____ term of this Court before the Honorable C. E. Morgan, III, Judge and it appearing that Willie Hemphill, hereinafter referred to as the aforesaid, was on the 18th day of April, A. D. 1997, convicted of the offense of Felony Shoplifting in the _____ Circuit Court of Montgomery County, which Court suspended the imposition of sentence and place the aforesaid on probation for a term of 2 years, in accordance with the provisions of Section 27, Chapter 524, Laws of Mississippi, 1950, as amended and

It further appearing that the aforesaid has not properly conducted h im self, but has violated the conditions of h is probation in a material respect by

Condition E: Not possess and or use illegal drugs and or alcohol;
Condition G: Report to MS Dept. of Corrections as directed;
Condition K: Pay monthly Supervision Fees to MS Dept. of Corrections;
Condition L: Pay Court Ordered fines, fees and restitution to the Clerk of the Court as directed;

IT, THEREFORE IS ORDERED AND ADJUDGED that the probation of the aforesaid defendant ought to be modified, and it is hereby modified in accordance with Section 27, Chapter 524, Laws of Mississippi, 1950, as amended, in the following manner: Willie Hemphill is to be placed in a Restitution Center under the control of the MS Dept. of Corrections until amounts totaling \$1,011.00 is paid to the Circuit Clerks Office in Montgomery County and \$90.00 is paid to the MS Dept. of Corrections in back Supervision Fees. Also while at the Restitution Center Willie Hemphill is to receive alcohol and drug treatment. Upon his completion of the Restitution Center Hemphill is to be released to continue his original sentence on Supervised Probation.

IT IS FURTHER ORDERED, That the Clerk of this court file this order in his office, enter a copy of same in the Minutes of the Court, and forthwith forward three certified copies of same to the Probation Supervisor in this District for his use in compliance with the requirements of law.

FILED

DONE AND ORDERED IN OPEN COURT, this 26 day of August, A. D. 1998.

AUG 26 1998

J. R. Ryles - Blaylock
CIRCUIT CLERK

D.C.

C. E. Morgan, III
Judge Presiding

A certified copy of this order has been delivered to Probationer, who has been instructed regarding same

This the 28th day of August, A. D. 1998.

Ellis Davis Foltz

STATE OF MISSISSIPPI

In the Circuit Court of Montgomery County Cause/Case No. 7454

TO THE MISSISSIPPI DEPARTMENT OF CORRECTIONS:

NOTICE OF CRIMINAL DISPOSITION

You are hereby notified that at the April 1997 term of the Circuit Court, Judge Clarence E Morgan III presiding, the following disposition was imposed for the crime(s) hereinafter described:

- I. A. Disposition(s) Reported: ☒ Prisoner Commitment ☒ Suspended Sentence/Probation ☐ Acquittal/Dismissal ☐ Provisional Sentence (Complete A-1 if checked)
- A-1. Provisional Sentence (Compliance/Non-Compliance Order constitutes Final Disposition) ☐ Non-Adjudication ☐ Sentenced under RID ☐ Sentenced under Shock Probation
- ☐ Bad Check Diversionary Program ☐ Restitution Center in _____ County
- B. Conviction as Result of: ☒ Guilty Plea ☐ Guilty Plea after _____ days of Commencement of trial
- ☐ Jury Verdict after _____ days in trial ☐ Revocation Hearing

II. Name Willie A Hemphill Alias n/a
 SSN 587-19-1760 Race Black Sex Male Date of Birth 9/10/71
 Last Known Residence 1000 Bob King Dr, Kilmichael Ms 39747
 Place of Birth Winona Ms Country of Citizenship _____
 Alien Registration/Immigration # _____ FBI # _____

III. Count I Charge felony shoplifting
 MS Code § 97-23-93 Orig. Case# _____ Agency _____
 Count II Charge _____ Orig. Case# _____ Agency _____
 MS Code § _____
 *Count III Charge _____ Orig. Case# _____ Agency _____
 MS Code § _____

IV. Date of Sentence April 18, 1997 Credit for Time Served (ONLY for this/these charge(s)) _____
 Sentence(s) Initially Imposed by Order: Count I ☒ ; Count II _____ ; *Count III _____

*☐ Check if reporting additional Counts on Reverse Side

	Portion of Sentence to be Served (Yrs/Mos)	Portion of Sentence Suspended (Yrs/Mos)	To be served on Probation (Yrs/Mos)	Other Disposition (See Legend on Reverse Side)
Count I	<u>1 1/2 yrs</u>	<u>3 1/2 yrs susp for 5 yrs</u>		
Count II				
*Count III				

to run concurrent with sentence imposed in Cause No 7453
 to run consecutive with _____

Conditions/Designation of Sentence: ☐ Habitual ☐ Psychological/Psychiatric ☐ Alcohol/Drug Treatment/Testing ☐ Other _____

V. Confined in Jail _____ to _____
 [On This/These _____ to _____
 Charges Only] _____ to _____
 _____ to _____
 Released on Bond Pending Appeal _____ to _____
 Defendant Currently Housed in: _____

VI. Fine \$ _____ Indigent Fee \$ _____ Restitution \$ 15.00 to Sayle Oil Co
 Court Costs \$ 248.00 Attorney Fees \$ _____ Other Fees \$ _____
 Conditions of Payment to be pd within 1 year of release.

Send Prisoner Commitments, Provisional Sentence

Orders and Revocation Orders to:

Director of Records INS Liaison
 MDOC MS Supreme Court
 P. O. Box 88550 P. O. Box 117
 Pearl, MS 39208-8550 Jackson, MS 39205-0117

Send Suspended Sentence/Probation Notices, Provisional

Sentence Orders and Revocation Orders to:

Data Operations INS Liaison
 MDOC MS Supreme Court
 723 North President St. P. O. Box 117
 Jackson, MS 39202-3097 Jackson, MS 39205-0117

Acquittal/Dismissal Notices to: INS Liaison (Above Address)

Jina Lyle Blaylock
 Circuit Clerk
 By: Rose Leals, DC
 Date: April 23, 1997

SCINS Form CR1- 8/31/94

MS Code Ann. § _____

Pd. IN
FHM

Acct Receivable

Name: Willie J. Hemphill

Cause no: 7454

Bk: H pg: 245

Charge: Felony Shoplifting

Judgment: 4/21/97 (5 yrs w/ MDOC, 3 1/2 yrs suspended for 5 yrs, w/ 1 1/2 yrs to serve; to pay costs assessments & restitution in amt of \$15.00 to Sayle Oil Co, d/b/a Gas Mart, Uniona ms - to be pd within 1 yr of release; sentence imposed shall run concurrent with sentence imposed in Cause no. 7453).

Date	Receipt No	Dr	Cr	Balance
				\$263.00
10/26/98	2393	2.79		260.21
4/27/99	2545	260.21		—

pd 4/99

~~\$15.00~~ restitution to Sayle Oil Co, d/b/a Gas Mart, Uniona ms

ck. #1279

~~25.00 Sheriff~~ pd 4/99

~~45.00 Clerk~~ pd. 4/99

~~3.00 Co Atty~~

~~3.00 A. J. J.~~

~~15.00 Co Rep~~

~~2.50 Law Lib~~

~~2.50 Ct Cl~~

~~127.00~~

pd 4/99

75.00 Clerk
2.79 10/98

72.21 bal.

72.21 pd 4/99

— 00

\$263.00 Total amt due